

REMARKS

Claims 1-23 are pending in the present application. Claims 21-23 are withdrawn from consideration. Claims 1-20 stand rejected. This application continues to include claims 1-23.

Claims 1, 3, 4, 10, 12, 13, and 19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 26, 27, 29 and 31 of co-pending U.S. Patent Application Serial No. 11/122,399. The Examiner indicates that a timely filed terminal disclaimer may be used to overcome this rejection. Submitted herewith is a Terminal Disclaimer directed to U.S. Patent Application Serial No. 11/122,399.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3, 4, 10, 12, 13, and 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 26, 27, 29 and 31 of co-pending of U.S. Patent Application Serial No. 11/122,399.

Claims 2, 5-9, 11, 14-18 and 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 26, 27, 29 and 31 of co-pending U.S. Patent Application Serial No. 11/122,399 in view of Sakuma (U.S. 5,663,750). As set forth above, a Terminal Disclaimer is submitted herewith directed to U.S. Patent Application Serial No. 11/122,399, which thus removes the primary reference from this rejection. Accordingly, this rejection of claims 2, 5-9, 11, 14-18 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over 2, 5-9, 11, 14-18 and 20 of U.S. Patent Application Serial No. 11/122,399 in view of Sakuma is now overcome.

Notwithstanding, claims 2 and 5-9 depend, directly or indirectly, from claim 1; claims 11, 14-18 depend, directly or indirectly, from claim 10; and claim 20 depends from claim 19.

2003-0030.02/LII0587.US

Accordingly, claims 2, 5-9, 11, 14-18 and 20 are believed allowable due to their respective dependence from an otherwise allowable base claim.

In addition, claims 2, 5-9, 11, 14-18 and 20 further and patentably define the present invention over Sakuma.

For example, with respect to claims 2, 6, 11, 15 and 20, Sakuma does not disclose, teach, or suggest defining a respective number of print swaths for each of the plurality of print modes at which a next print density of a plurality of print densities will be selected (to facilitate the progressively reducing step). In rejecting claims 2, 6, 11, 15 and 20, the Examiner relies on Sakuma column 8, lines 7-13. However, the cited passage discloses an amount of a single reduction, depending on which of the two print modes the system is operating. Sakuma does not disclose, teach, or suggest defining a respective number of print swaths for each of said plurality of print modes at which a next print density of a plurality of print densities will be selected, nor does Sakuma disclose, teach or suggest doing so to facilitate said progressively reducing step, since Sakuma does not disclose, teach, or suggest any progressive reduction of image density. Accordingly, claims 2, 6, 11, 15 and 20 are believed patentable in their own right.

In rejecting claims 5 and 14, the Examiner relies on Sakuma column 8, lines 7-13, for disclosing, “defining a plurality of print densities for use in progressively reducing said image density of said image” (claim 5) and “selecting a print density from a plurality of print densities for use in progressively reducing said image density of said image” (claim 14). However, the print densities of Sakuma in the cited passage are not used in “progressively reducing said image density” [based on a print mode the imaging apparatus, e.g., ink jet printer, was operating in when

the notice threshold was reached, as recited in the respective base claim]. Rather, in the relied on passage from Sakuma, one density is used if the threshold is reached when operating in the normal mode, and another print density is used if the threshold is reached when operating in the draft mode. Accordingly, claims 5 and 14 are believed patentable in their own right.

In rejecting claims 7 and 16, the Examiner relies on Sakuma Fig. 8. Fig. 8 discloses two print modes, a normal print mode and an ink saving mode. In contrast to Sakuma, claim 7 recites “The method of claim 6, wherein said respective number of print swaths increases with an increase of printing resolution of said plurality of print modes.” Referring again to claim 6, this “respective number of print swaths” is for “each of said plurality of print modes at which a next print density of said plurality of print densities will be selected.” In other words, the various print modes have a variety of different printing resolutions, and the number of print swaths counted before a next print density is selected for a higher resolution is greater than the number of print swaths counted before a next print density is selected for a lower resolution. Accordingly, Sakuma does not disclose, teach or suggest the subject matter of claim 7. Likewise, Sakuma does not disclose, teach or suggest the subject matter of claim 16. Accordingly, claims 7 and 16 are believed patentable in their own right.

In addition, claims 7 and 16 are believed patentable in their own right for substantially the same reasons set forth above with respect to claims 6 and 15, respectively.

In rejecting claims 8 and 17, the Examiner relies on Sakuma column 8, lines 7-13. Claim 8 recites, “The method of claim 6, wherein a number of print swaths for a first print mode having a first print resolution is less than a number of print swaths for a second printing mode having a second print resolution higher than said first print resolution.” Referring again to claim 6, this “respective number of print swaths” is for “each of said plurality of print modes at which a next

2003-0030.02/LII0587.US

print density of said plurality of print densities will be selected.” In other words, the various print modes have a variety of different printing resolutions, and the number of print swaths counted before a next print density is selected for a higher resolution is greater than the number of print swaths counted before a next print density is selected for a lower resolution. Accordingly, Sakuma does not disclose, teach or suggest the subject matter of claim 8. Likewise, Sakuma does not disclose, teach or suggest the subject matter of claim 17. Accordingly, claims 8 and 17 are believed patentable in their own right.

In addition, claims 8 and 17 are believed patentable in their own right for substantially the same reasons set forth above with respect to claims 6 and 15, respectively.

Claims 9 and 18 are directed to, wherein the step of progressively reducing an image density is achieved relatively uniformly for each of a first print mode and a second print mode. For reasons set forth above, Sakuma does not disclose, teach or suggest progressively reducing an image density, and accordingly, cannot disclose, teach or suggest uniformly progressively reducing an image density for each of a first print mode and a second print mode. Accordingly, claims 9 and 18 are believed patentable in their own right.

For the foregoing reasons, Applicants submit that the pending claims are in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,

A handwritten signature in black ink that reads "Ronald K. Aust". The signature is fluid and cursive, with the first name "Ronald" and last name "Aust" clearly legible.

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